

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1252

House Bill No. 1477

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 1 3, Part 1, is amended

by adding the following language as a new, appropriately designated section:

Section _____. (a) As used in this act unless the context otherwise requires:

(1) "Higher education institution" means a public or private college or university.

(2) (A) "Hazing" means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her mental or physical health or safety. Acts of hazing shall include, but not be limited to, the following :

(i) Physical brutality, whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug or other substance or forced smoking or chewing of tobacco products;

(ii) Sleep deprivation, physical confinement, or other extreme stress inducing activity; or

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(iii) Requiring a student to perform a duty or task which involves or would involve a violation of the criminal laws of this state or any political subdivision in this state.

(B) "Hazing" does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

(b) Each higher educational institution shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the institution. The policy shall be distributed or made available to each student at the beginning of each school year. Time shall be set aside during orientation to specifically discuss the policy and its ramifications as a criminal offense and the institutional penalties that may be imposed by the higher education institution.

(c) It is an offense for a student of any higher education institution to engage in hazing or to knowingly encourage, aid, or assist any other student in the commission of hazing.

(d) (1) The offense of hazing is a Class A misdemeanor.

(2) In addition to any punishment imposed by the court, a student found guilty of the offense of hazing may be expelled from the higher education institution and may be liable to the victim for both special and

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general damages, including, but not limited to, damages for emotional distress, reasonable attorney's fees, costs, and punitive damages.

(3) If a person engages in any conduct that constitutes the offense of hazing and also constitutes another offense under Tennessee law, such person may be charged with either the offense of hazing or with any other such offense.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.